

Ming-Tao Yang (SBN 221295)  
ming.yang@finnegan.com  
Jeffrey D. Smyth (SBN 280665)  
jeffrey.smyth@finnegan.com  
**FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP**  
3300 Hillview Avenue  
Palo Alto, California 94304  
Telephone: (650) 849-6600  
Facsimile: (650) 849-6666

*Attorneys for Plaintiff  
Sercomm USA Inc.*

Seth W. Wiener (SBN 203747)  
seth@sethwienerlaw.com  
Law Offices of Seth W. Wiener  
609 Karina Court  
San Ramon, CA 94582  
Tel: (925) 487-5607

James Lennon (pro hac vice to be filed)  
jlennon@devlinlawfirm.com  
DEVLIN LAW FIRM LLC  
1526 Gilpin Avenue  
Wilmington, DE 19806  
Tel: (302) 449-9010

*Attorneys for Defendant  
CDN Innovations, LLC*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

SERCOMM USA, INC.,

*Plaintiff,*

v.

CDN INNOVATIONS, LLC,

*Defendant.*

Case No. 4:24-cv-00174-HSG

**STIPULATION AND ORDER TO  
STAY ALL DEADLINES**

**DEMAND FOR JURY TRIAL**

**STIPULATION AND ORDER TO STAY ALL DEADLINES**

4:24-cv-00174-HSG

1 Plaintiff Sercomm USA Inc. (“Sercomm USA”) and Defendant CDN Innovations, LLC  
2 (“CDN”), by and through counsel, and pursuant to Civil L.R. 6-2 and 7-12, hereby stipulate and  
3 respectfully request that all deadlines in this action be stayed for a period of sixty (60) days and  
4 that the hearing and initial case management conference set for May 16, 2024 be continued. The  
5 parties jointly make this request because an agreement in principle has been reached that resolves  
6 all matters in the controversy between the parties this action. Because the agreement involves  
7 several third parties, it is anticipated that a final agreement may not be ready for execution within  
8 the next thirty (30) days. The parties expect to jointly file a dismissal with prejudice of all  
9 claims between them within sixty (60) days.

#### 10 **RECITALS**

- 11 1. Defendant CDN filed its Motion to Dismiss on March 11, 2024. (Dkt. 13.)
- 12 2. Plaintiff Sercomm USA filed its Opposition to Motion to Dismiss on March 25,  
13 2024. (Dkt. 19.)
- 14 3. Defendant’s Reply date, initially set for April 1, 2024, was extended by  
15 stipulation and order to April 8, 2024. (Dkt. 21.)
- 16 4. The hearing for the Motion to Dismiss is May 16, 2024. (Dkt. 13.)
- 17 5. On April 2, 2024, the Court issued a Clerk’s Notice that the initial case  
18 management conference, originally set for April 9, 2024, “is continued in-person to May 16,  
19 2024, before Judge Harwood S. Gilliam, Jr., at 2:00 p.m., to be held along with on the hearing  
20 the [13] motion to dismiss[.]” (Dkt. 22.)
- 21 6. In addition to the foregoing extensions, two additional deadlines have been  
22 modified. Once for the 30-day extension of CDN’s deadline to answer or otherwise respond to  
23 the Complaint (Dkt. 12) and once for continuing the Initial Case Management Conference, Rule  
24 26(f) Report (Dkt. 22).
- 25 7. This stay is not requested for the purposes of undue delay.

#### 26 **STIPULATION**

27 Pursuant to Civil L.R. 6-2 and 7-12, the Parties hereby stipulate and respectfully request

1 that all pending deadlines in this action be stayed for sixty (60) days, up to and including June 4,  
2 2024, and that the hearing and initial case management conference set for May 16, 2024 be  
3 continued. Plaintiff and Defendant request this stay, not for the purposes of any delay, but so  
4 that the agreement may be finalized and the parties may then file dismissal papers without  
5 incurring additional expenses.

6  
7 Dated: April 8, 2024

FINNEGAN, HENDERSON, FARABOW, GARRETT  
& DUNNER, LLP

8 By: /s/

9 Ming-Tao Yang  
10 Attorneys for Plaintiff Sercomm USA Inc.

11  
12 Dated: April 8, 2024

LAW OFFICES OF SETH W. WIENER

13 

14 By: \_\_\_\_\_

15 Seth W. Wiener  
16 Attorneys for Defendant CDN Innovations, LLC

17 **ATTESTATION**

18 Pursuant to Local Rule 5-1(i)(3), Counsel for Defendant CDN Innovations LLC hereby  
19 attests by his signature below that concurrence in the filing of this document was obtained from  
20 counsel for Plaintiff Sercomm USA. Inc.

21 

22 Dated: April 4, 2024.

23 \_\_\_\_\_  
24 *Seth W. Wiener*  
25 *Attorneys for Defendant CDN Innovations, LLC*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 4/8/2024

A handwritten signature in black ink, reading "Haywood S. Gilliam, Jr.", written over a horizontal line.

The Honorable Haywood S. Gilliam, Jr.  
United States District Court Judge  
Northern District of California